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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In Re:)	NO. 09-05953-PCW13
)	
HOWELL, GARY A.,)	OBJECTION TO CONFIRMATION
)	OF PROPOSED CHAPTER 13 PLAN
)	
Debtor.)	
_____)	

COMES NOW DANIEL W. PASHNIAK ("PASHNIAK"), by and through his attorneys, ROBERT R. ROWLEY, P.S., and objects the confirmation of the Debtor's proposed First Amended Chapter 13 Plan as follows:

RECITALS

1. Debtor and Pashniak entered into a Note and Deed of Trust ("Contract"), dated July 20, 2007, in the amount of \$52,677.08 for the purchase of real property located at 4820 N. Freya Street, Spokane, WA 99217 ("Property").

2. The Contract was recorded with the Spokane County Auditor on July 20, 2007, under file number 5565364. The Contract accrues interest at the rate of 8% per annum, and requires the Debtor to make quarterly payments of principal, interest, taxes and insurance of \$2,580. The Contract requires Debtor to keep the Property insured.

3. Debtor is delinquent for quarterly payments due October 1, 2009 and January 1, 2010.

4. As of October 23, 2009, the amount required to pay off the Contract is \$46,866.33, which includes principal of \$43,831.71, interest of \$1,372.22, late charges

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of \$880.00, escrow fees of \$142.00, and taxes/insurance impounds of \$640. Interest accrues at the rate of 8% per annum.

5. Debtor has failed to pay taxes on the Property.
6. Debtor has failed to properly insure the Property against fire and liability claims.
7. Debtor values the Property at \$140,000 in his Schedules.
8. The 2010 assessed value of the Property is \$108,820.

BASIS

9. Debtor proposes to pay \$95 per month to cure the October, 2009 and January 2010, quarterly PITI arrearages of \$5,500 with zero interest. Debtor may not modify the debt to Pashniak in that matter and such arrearages must bear interest at 8% per annum. 11 USC 1322(d).

10. Debtor's Plan makes no provision to pay Pashniak the quarterly PITI payments of \$2,580. Debtor will need to pay Pashniak more than \$2,840 PITI on a quarterly basis to pay the Contract in full within the 60 month term of the Plan; however, the Debtor's Plan makes no provision to pay anything. Debtor's Plan is not feasible. 11 USC 1325(a)(5)(B)(iii).

11. The undersigned requests this Court schedule a hearing on this objection to confirmation of the Debtor's proposed Chapter 13 Plan.

DATED this 11th day of February, 2010.

ROBERT R. ROWLEY, P.S.

By

ROBERT R. ROWLEY, Attorneys for
DANIEL W. PASHNIAK

CERTIFICATE OF SERVICE

I certify that on February 11, 2010, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System which will send notification of such filing to all parties of record.

ROBERT R. ROWLEY, P.S.

/s/ Robert R. Rowley

ROBERT R. ROWLEY, WSBA 24128

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